

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARIE WESTBROOK,

Plaintiff,

No. C 04-05388 JSW

v.

IRIS CENTER WOMEN'S COUNSELING
AND RECOVERY SERVICES,

Defendant.

**ORDER RE DISCOVERY
DISPUTE**

The Court has received the parties' joint letter brief outlining their discovery dispute regarding the Defendants's Request for Production ("RFP") No. 20 and Defendant's request to have Plaintiff undergo an independent medical examination. Having reviewed the parties' positions, the Court has determined that a hearing on this dispute is unnecessary.

In its RFP No. 20, Defendant seeks "[a]ll documents relating to any allegation of fraud made against Plaintiff by any public entity or law enforcement agency." Plaintiff offered to supplement her response to Defendant's RFP No. 20 to state whether she had ever been convicted of fraud. With the exception of Plaintiff's offer to supplement her response, the Court DENIES Defendant's request to compel production on its RFP No. 20 as overbroad. Plaintiff shall supplement her response in accordance with her offer within fifteen days.

Based Plaintiff's representation that she is not claiming anything beyond garden variety emotional distress damages and is not bringing a separate claim for emotional distress, the Court

1 DENIES Defendant's request to have Plaintiff undergo an independent medical examination.
2

3 **IT IS SO ORDERED.**

4
5 Dated: October 6, 2005

Jeffrey S. White
6 JEFFREY S. WHITE
7 UNITED STATES DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28